

SheppardMullin

MEMO ENDORSED

January 21, 2025

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File Number: 57TS-402627

VIA ECF

Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 443
New York, New York 10007

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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/21/25

Re: Rennie Somar v. Solar Mosaic LLC
Civil Action No. 1:24-cv-08637-VEC

Dear Judge Caproni:

We represent Defendant Solar Mosaic LLC (“Mosaic”) in this action and write with an unopposed request for a further extension of the Initial Pre-Trial Conference currently set for January 31, 2025 at 10:00 a.m., to February 7, 14, or 21, 2025, or a date thereafter that is convenient for the Court. Mosaic makes this request because its counsel are unavailable on January 31, 2025, due to an annual, in-person firm meeting scheduled for that day in California.

Mosaic was served with the complaint on November 21, 2024. On December 11, 2024, Mosaic filed a letter motion to extend the time to respond to the complaint from December 12, 2024, to January 10, 2025, with the consent of Plaintiff’s counsel. The Court granted the request the same day. (ECF No. 11.)

Thereafter, counsel for Plaintiff and Mosaic met and conferred regarding Mosaic’s anticipated motion to compel arbitration, potential discovery relating to that motion, and potential early resolution. On January 7, 2025, to allow the parties to meet and confer further about these issues, Plaintiff and Mosaic requested a further 21-day extension of Mosaic’s deadline to respond to the complaint from January 10, 2025 to January 27, 2025. (ECF No. 13.) In addition, Plaintiff and Mosaic also agreed to adjourn the January 17, 2025, initial pre-trial conference and related deadlines, including the January 9, 2025, deadline to file a Joint Letter, to allow the parties to focus on their meet-and-confer efforts and to allow Defendant NYS Essential Power, Inc. (“NYS”) more time to appear in this action and to respond to the complaint. (*Id.*)

The Court granted the request the same day and extended Mosaic’s deadline to respond to the Complaint to January 27, 2025. The Court also rescheduled the Initial Pre-Trial Conference to January 31, 2025 at 10:00 a.m. and ordered the parties to file their joint letter and proposed case management plan by January 23, 2025.

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Based on further investigation, Mosaic no longer plans to file a motion to compel arbitration but will respond to the complaint by filing an Answer by January 27, 2025.

Mosaic's counsel, however, are unavailable to attend the Initial Pre-Trial Conference scheduled for January 31, 2025, because they will be attending a pre-planned, pre-paid firmwide litigation meeting in California.

Accordingly, Mosaic writes to request:

1. A continuance of the Initial Pre-Trial Conference from January 31, 2025 to February 7, 14, or 21, 2025, or any date thereafter that is convenient for the Court.
2. An extension of the parties' deadline to file a Joint Letter and Case Management Plan from January 23, 2025 to a later date based on the rescheduled initial pre-trial conference.

Pursuant to Your Honor's Individual Rules, Mosaic states that there has been one previous requests for a continuance of the Initial Pre-Trial Conference. (ECF No. 10.) Further, the extensions requested in this letter will not affect any scheduled dates for this matter. Plaintiff's counsel does not oppose this request.

Please feel free to contact me if Your Honor desires any additional information.

Respectfully submitted,

/s/Sophia L. Cahill

Sophia L. Cahill
 for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

CC: COUNSEL OF RECORD (VIA ECF)

SMRH:4910-4164-9936.2

Application GRANTED. The Initial Pre-trial Conference scheduled for January 31, 2025 is ADJOURNED to February 7, 2025 at 10:00 A.M. in Courtroom 20C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York, 10007. The parties' joint letter and proposed case management plan must be filed by January 30, 2025.

SO ORDERED.

1/21/25

Valerie Caproni

HON. VALERIE CAPRONI
 UNITED STATES DISTRICT JUDGE